

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Wayne Bell

v.

Civil No. 09-fp-319

James O'Mara, Superintendent,  
Hillsborough County Department  
of Corrections

**O R D E R**

Wayne Bell has sent a letter to the Clerk's Office stating that he was due to be released from the Hillsborough County House of Corrections ("HCHC"), after serving his maximum sentence, on September 4, 2009. Bell states he was not released on that date and claims that the HCHC is holding him for an extra month in retaliation for lawsuits he has filed against the HCHC in this Court.

In support of this assertion, he has attached to his complaint a request slip dated June 22, 2009, asking for his maximum release dates on his two charges. HCHC Corrections Officer Davani responded to Bell, indicating that his maximum release dates were August 25, 2009 and September 4, 2009, the latter of these two dates was September 4, 2009. Bell states

that this is consistent with his institutional records, to the best of his knowledge.

I construe this letter as a complaint filed pursuant to 42 U.S.C. § 1983, alleging that defendant has violated Bell's Fourteenth Amendment due process right not to be held in jail on a sentence beyond what the sentencing Court has ordered. I direct the Clerk's office to open a new file and docket the letter in accordance with this Order. I further direct that the Clerk's Office immediately refer this case to me for preliminary review.

I find that Bell's filing also contains a request for a preliminary injunction, directing the jail to honor his September 4, 2009 maximum release date. I direct the Clerk's Office to schedule a hearing on Bell's request for a preliminary injunction no later than Monday, September 21, 2009.

**SO ORDERED.**

/s/James R. Muirhead  
James R. Muirhead  
United States Magistrate Judge

Date: September 15, 2009

cc: Wayne Bell, pro se  
Carolyn Kirby, Esq.